THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.90 OF 2006

DATED:3.1.2006

Between:

T. Anjaneyulu

…Petitioner

And

The Kapra Municipality, rep. by

Its Commissioner, Kapra, R.R.Dist.

and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.90 OF 2006

ORDER:

The petitioner claims to be the owner of Plot No.57 (House No.1-2-45/57) admeasuring 246.94 Sq.yards in S.No.44 of Yellareddyguda of Kapara Municipality. He approached the Municipality and got the property allotted in his name as per the provisions of Alteration of Ownership of Property in Assessment Books Rules, 1966 (for short, the Rules). The second respondent submitted an application for cancellation of house number duly producing Xerox copy of the sale deed in respect of Plot No.57 and claimed the property for himself. The Commissioner issued a notice requiring the petitioner to produce all the original documents and petitioner did not produce the documents and therefore by order dt.6.12.2005 the first respondent informed the petitioner that the entry in the assessment register in his

favour is cancelled in respect of house No.1-2-45/57. This order is assailed in the Writ Petition.

Heard the learned counsel for the petitioner, Sri M.M.M.Srinivas, learned Standing Counsel for respondent Municipality.

As rightly pointed out by the learned Standing Counsel for the respondent Municipality the question whether the petitioner is original owner or second respondent is original owner is a matter which cannot be decided in this Court nor by the Commissioner. Having regard to the *prima facie* evidence that might be produced by person claiming to be owner, a limited jurisdiction vests in the first respondent to enter the name of the owner in the assessment register for the purpose of calculation of property tax. The same does not however determine the title to the property. Secondly, if any alteration is made – as in this case – a person aggrieved by such alteration is given right of appeal under Rule 7 of the Rules. Therefore, liberty is given to the petitioner to file appeal under Rule 7 of the Rules to the Municipal Council/Special Officer within a period of one week from today. As and when such appeal is filed, the Commissioner of the respondent Municipality shall place the same before the Special Officer discharging the functions of Municipal Council immediately.

The Writ Petition, without expressing any opinion on the merits of the case and with the above observations, is accordingly disposed of.

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(V.V.S.RAO, J)

3.1.2006

bnr

Note: Issue CC by 5.1.2006.

(B.O)

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